

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 580 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SMT.BHIKHIBEN MOHANBHAI PATEL

Versus

MOHANBHAI BHANABHAI PATEL

Appearance:

MR AJ PATEL for Petitioner
UNSERVED for Respondent No. 1
MR RM CHAUHAN ASSTT. PUBLIC PROSECUTOR
for Respondent No. 2

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 15/12/97

ORAL JUDGEMENT

By this application, the petitioner who is the wife of opponent no.1 raises the question of legality and validity of the order passed in Criminal Revision Application No.19 of 1984 by the Additional Sessions Judge at Valsad, rejecting her prayer for enhancement of the maintenance amount, but this application loses its

vigour, because this court has on 15th July, 1996, passing necessary order, dismissed this petition, qua the opponent no.1, and that order is final, as not challenged before higher forum. Hence on record, the petitioner now desires to proceed against the State of Gujarat joining as opponent no.2, which is a formal party against whom no relief is sought for. The grievance of the petitioner is against the opponent no.1 but when opponent no.1 has been deleted and the order of deletion being final, the cause to pursue the matter against opponent no.1 in this application does not survive. Consequently, the application has become infructuous and on that count, deserves to be dismissed. The petitioner's learned advocate would not point out anything on record which may preclude the court from holding that the petition has now become a dead wind.

2. In view of the matter, this Special Criminal Application is liable to be dismissed and is hereby dismissed. Rule discharged.

(ccs)